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ABSTRACT

In March 1990, the Washington State Legislature adopted the Learning by Choice Law, a law relating to student enrollment options. The law consists of three major components: Family Choice; Running Start; and Seventh and Eighth Grade Choice. The Family Choice law allows parents to select which public school(s) their children will attend, within certain limitations. The Running Start program permits 11th- and 12th-grade students to enroll in courses or programs in a community college or technical college without paying college tuition. Under the Seventh and Eighth Grade Choice program, a seventh- or eighth-grade student may receive credits for completing high school courses. This booklet answers the most commonly asked questions about the law. The final section contains related chapters of the law. (LMI)

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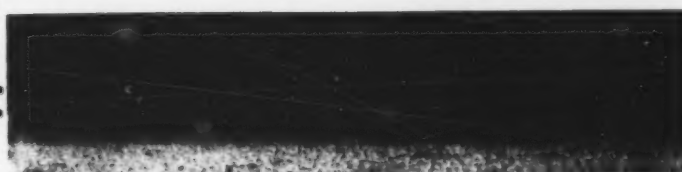
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Learning by Choice

1992-1993

EA026 004



The 1993 Legislature has amended RCW 28A.225.220(6) to read as follows:

Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225.

Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

Learning by Choice

**An Act Relating to Student
Enrollment Options in
Washington State**

Judith A. Billings
State Superintendent
of Public Instruction

**Enacted by the Washington
State Legislature**

March 1990

INTRODUCTION

In March 1990 the Washington State Legislature adopted the *Learning by Choice Law*, a law relating to student enrollment options.

Learning by Choice consists of three major components:

- Family Choice
- Running Start
- Seventh and Eighth Grade Choice

This booklet is provided to answer the most commonly asked questions about the law.

In addition, related chapters of the law are included in the back section of this booklet.

FAMILY CHOICE

Q. What is *Family Choice*?

A. *Family Choice* allows parents to select which public school(s) their children will attend, within certain limitations.

However, a school district is not required to accept a student requesting a transfer if the district does not have space for additional students.

Q. What process must be followed to transfer *within* a school district?

- A. Each public school district is required to have a policy governing a student's transfer to another school within the district. Copies of the policy may be obtained by contacting the school district office.

Q. What process must be followed to transfer *between* districts?

- A. The parent/guardian must request a release from the district in which they reside and request acceptance from the district in which the student wants to enroll. The school district in which the student resides must allow the student to attend school in another district if:
- ☞ The student's financial, educational, safety, or health conditions would likely be improved, or
 - ☞ Attendance in the nonresident district is more accessible to the parent's/guardian's place of work or to the location of child care, or
 - ☞ There is a special hardship or detrimental condition.

Q. Under what circumstances can a transfer request be denied?

A. A resident district may deny a transfer request if it would adversely affect the district's desegregation plan, or if none of the three conditions noted above exist.

Q. Is there a charge to transfer to another school district?

A. A nonresident school district may charge an annual transfer fee for nonresident students. However, the state may provide a subsidy for low income students if funds have been appropriated by the Legislature. To date, no funds have been appropriated for this purpose.

Q. Can the student appeal a transfer denial?

A. Yes. School districts are required to provide written notification of acceptance or rejection of the transfer request and of the student's right to appeal the decision. The student may appeal the resident district's denial to release the student if the nonresident district is willing to accept the student. The student may also appeal the nonresident district's refusal to accept the student.

Q. What process is used to appeal the transfer denial?

- A. The denial by the resident district may be appealed to the Superintendent of Public Instruction at the following address: Legal Services, Old Capitol Building, PO BOX 47200, Olympia, WA 98504-7200. A decision by the Superintendent of Public Instruction may be appealed to the Superior Court.
- Q. Is a transfer student eligible for extra-curricular activities?**
- A. It depends. For participation in athletics, contact your school district for local eligibility rules or the Washington Interscholastic Activities Association, (206) 746-7102, for state eligibility rules. The general rule is that the student athlete must be enrolled in the nonresident district for one calendar year without interruption. Transfer students may participate in extracurricular activities of a nonathletic nature just as nontransfer students do.
- Q. How does a transfer student get to the school of choice?**
- A. In cases where the existing district transportation routes do not meet the needs of the transferring student, the student and parent/guardian are responsible for arranging for transportation between the student's home and school of choice.

There is a provision in law for reimbursing families meeting low income eligibility standards for certain costs incurred in transporting one or more students between their home(s) and school(s) of choice, subject to the availability of funds. The income standard is identical to that used for free or reduced price lunch eligibility. Contact the school district in which the school of choice is located for information and application forms.

RUNNING START

Q. What is *Running Start*?

A. *Running Start* is a program which permits eleventh and twelfth grade students to enroll in courses or programs in a community college or technical college without paying college tuition. Both high school and community college or technical college credits may be obtained for successfully completed courses. Evidence of successful completion of each course will be included in the student's public high school records and transcripts.

Q. May students enrolled in a private school or home schooling participate in *Running Start*?

A. Yes. Eligible students who are otherwise enrolled in a private school or home schooling may also participate in *Running Start* by making arrangements with the public school district they are eligible to enroll in, and with the college district of their choice.

Q. Who determines whether a student may enroll in *Running Start*?

A. Both the public high school and the college have to make decisions. The school district must first determine (1) that the student is eligible to be in the eleventh or twelfth grade, and (2) that the college courses selected by the student qualify for high school credit. The college determines whether the student qualifies for admission. As part of this process, the student may be required to take an "asset test" administered by the college.

Q. What other major things should the student know about enrolling in *Running Start*?

A. Major points are explained below:

1. A student must inform the public school district of his/her intent to apply for admission to a community or vocational college course for credit. Prospective *Running Start* students are urged to notify

the high school of their intent to apply to a college as early as possible. It is wise to notify the high school early so the high school can evaluate and establish the eligibility of the student and proposed college course work for high school credit purposes.

2. A student in grade eleven may not receive high school and community college or technical college credits for more than the equivalent of the course work for two academic years.
3. If the secondary school student is accepted for college enrollment, the college must send written notice to the student, the student's school district and the Superintendent of Public Instruction within ten days of acceptance. The notice must indicate the course(s) and hours of enrollment for that student.
4. State funds will be transferred from the school district to the college district to cover tuition costs.
5. Cost of transportation to and from the community or technical college and cost of college books and other student owned or consum-

able supplies are the responsibility of the student.

6. Enrollment in a community or technical college is limited to college level academic and vocational courses.
7. High school enrollment must be proportionately reduced in order to enroll in a college under the *Running Start* program.

SEVENTH AND EIGHTH GRADE CHOICE

Q. What is *Seventh and Eighth Grade Choice*?

A. Under this program, a seventh or eighth grade student may receive credits for completing high school courses. Credits may be applied to fulfilling high school graduation requirements if:

- ☛ The course is taken with high school students and the student successfully completes and passes the same course requirements and examinations as the high school students enrolled in the class;
- or

- ☛ The course qualifies for high school credit because the course is similar or equivalent to a course offered at a high school in the district.

Students who have taken and successfully completed high school courses are not required to take an additional competency examination or perform any other additional assignment to receive credit.

OTHER ENROLLMENT OPTIONS AND PROGRAMS

- Q.** Are there other enrollment options available to students?
- A.** Prior to the passage of the *Learning by Choice* legislation, state law provided for other enrollment options and programs which continue to be in effect.

Other enrollment options:

1. Students may enroll in approved private schools.
2. Students may be schooled at home under certain conditions. For more information call (206) 753-6757.
3. Students in Washington may attend contiguous school districts

in Idaho or Oregon if an agreement exists between the school districts involved.

4. There are over 100 public alternative schools and programs in school districts across the state. Contact your local school district for more information.
5. A student residing in a school district that does not offer the grade in which the student is eligible to enroll may attend any other school district in the state that offers the grade.
6. Public school dropouts who are thirteen years of age or older may enroll in an educational clinic to obtain instruction especially designed for the needs of the dropout. After receiving educational clinic instruction, students may re-enroll in regular school. For more information call (206) 753-1142.
7. In 1989, a five-year open enrollment pilot program was approved for students who:
 - ☐ have dropped out of school for six weeks or longer;
 - or

- ☐ have returned to high school from participation in a substance abuse treatment program;
or
- ☐ are, or are about to become teen parents;
or
- ☐ have returned from hospitalization due to a mental problem.

Any student meeting one or more of the above conditions may attend any high school in the state without charge if the school will accept the student.

Other options for college enrollment:

1. The Superintendent of Public Instruction funds the University of Washington for the education of a limited number of young, academically gifted students in the University of Washington's Early Entrance Program. For information on this program, call the Center for the Study of Capable Youth at (206) 543-4160.

2. School districts and community and technical colleges are authorized to work out cooperative arrangements under which high school students may take college course work for high school or college credit, or both. Contact your high school for more information.

INFORMATION

For information concerning *Learning by Choice* or other enrollment options, contact your local school district.

For related information call the Office of Superintendent of Public Instruction
(206) 753-2298.

LAW RELATING TO LEARNING BY CHOICE

FAMILY CHOICE

RCW 28A.225.220 Adults, children from other districts, agreements for attending school—Tuition—Transfer fees. (1) Any board of directors may make agreements with adults choosing to attend school: *Provided*, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) School districts may establish annual transfer fees for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All transfer fees must be paid over to the county treasurer within thirty days

of its collection for the credit of the district in which such students attend. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

RCW 28A.225.225 Applications to attend nonresident district—Acceptance and rejection—Notification. (1) All districts accepting applications from nonresident students for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

RCW 28A.225.230 Appeal from certain decisions to deny student's request to attend nonresident district—Procedure.

(1) The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to nonresident school district pursuant to RCW 28A.225.220 may be appealed to the superintendent of public instruction or his or her designee: *Provided*, That the school district of proposed transfer is willing to accept the student.

(2) The superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years if the requirements of RCW 28A.225.220 have been met. The decision of the superintendent of public instruction may be appealed to superior court pursuant to chapter 34.05 RCW, the administrative procedure act, as now or hereafter amended.

(3) The decision of a school district to deny the request for accepting the transfer of a nonresident student under RCW 28A.225.225 may be appealed to the superintendent of public instruction or his or her designee. The superintendent or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the district to accept the nonresident student if the district did not comply with the standards and procedures adopted under RCW 28A.225.225. The decision of the superintendent of public instruction may be appealed to the superior court under chapter 34.05 RCW.

RCW 28A.225.270 Intradistrict enrollment options policies. Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented.

RUNNING START

RCW 28A.600.300 High school students' options—Definition. As used in RCW 28A.600.300 through 28A.600.390, community college means public community college as defined in chapter 28B.50 RCW.

RCW 28A.600.310 High school students' options—Enrollment in community colleges and vocational-technical institutes—Transmittal of funds. (1) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may apply to a community college or vocational-technical institute to enroll in courses or programs offered by the community college or vocational-technical institute. If a community college or vocational-technical institute accepts a secondary school pupil for enrollment under this section, the community college or vocational-technical institute shall send written notice to the pupil, the pupil's school district, and the superintendent of public instruction within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the community college or vocational-technical institute a sum not exceeding the amount of state funds under RCW 28A.150.260 generated by a full time equivalent student and in proportion to the number of hours of instruction the student receives at the community college or vocational-technical institute and at the high school. The community college or vocational-technical institute shall not require the pupil to pay any other fees. The funds received by the community college or vocational-technical institute from the school district shall not be deemed tuition or operating fees and may be retained by the community college or vocational-technical institute. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the community colleges.

RCW 28A.600.320 High school students' options—Information on enrollment. A school district shall provide general information about the program to all pupils in grades ten and eleven and the parents and guardians of those pupils. To assist

the district in planning, a pupil shall inform the district of the pupil's intent to enroll in community college or vocational-technical institute courses for credit. Students are responsible for applying for admission to the community college or vocational-technical institute.

RCW 28A.600.330 High school students' options—Maximum terms of enrollment for high school credit. A pupil who enrolls in a community college or a vocational-technical institute in grade eleven may not enroll in postsecondary courses under RCW 28A.600.300 through 28A.600.390 for high school credit and community college or vocational-technical institute credit for more than the equivalent of the course work for two academic years. A pupil who first enrolls in a community college or vocational-technical institute in grade twelve may not enroll in postsecondary courses under this section for high school credit and community college or vocational-technical institute credit for more than the equivalent of the course work for one academic year.

RCW 28A.600.340 High school students' options—Enrolled students not displaced. Once a pupil has been enrolled in a postsecondary course, program, or vocational-technical institute under this section, the pupil shall not be displaced by another student.

RCW 28A.600.350 High school students' options—Enrollment for secondary and postsecondary credit. A pupil may enroll in a course under RCW 28A.600.300 through 28A.600.390 for both high school credit and college level academic and vocational or vocational-technical institute credit.

RCW 28A.600.360 High school students' options—Enrollment in postsecondary institution—Determination of high school credits—Application toward graduation requirements. A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in a community college or vocational-technical institute shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at a community college or vocational-technical institute.

RCW 28A.600.370 High school students' options—Post-secondary credit. Any state institution of higher education may award postsecondary credit for college level academic and vocational or vocational-technical institute courses successfully completed by a student while in high school and taken at a community college or vocational-technical institute. The state institution of higher education shall not charge a fee for the award of the credits.

RCW 28A.600.380 High school students' options—School district not responsible for transportation. Transportation to and from the community college or vocational-technical institute is not the responsibility of the school district.

RCW 28A.600.390 High school students' options—Rules. The superintendent of public instruction, the *state board for community college education, and the higher education coordinating board shall jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380.

RCW 28A.600.395 High school students' options—Program implementation. (1) RCW 28A.600.300 through 28A.600.390 may be implemented in up to five community college districts during the 1990-91 and 1991-92 school years. Any school district within any of the selected community college districts may participate in the program. The five community college districts shall be selected from applicants by the *state board for community college education. The board shall select community college districts from both eastern and western Washington. RCW 28A.600.300 through 28A.600.390 are applicable throughout the state beginning with the 1992-93 school year. Participation by community college districts under RCW 28A.600.300 through 28A.600.390 is in addition to agreements between school districts and community college districts in effect on April 11, 1990, and in the future.

(2) RCW 28A.600.300 through 28A.600.390 may be implemented in all vocational-technical institutes beginning with the 1990-91 school year and shall be implemented in all vocational-technical institutes in the 1991-92 school year.

RCW 28A.600.400 High school students' options—Existing agreements not affected. RCW 28A.600.300 through 28A.600.395 are in addition to and not intended to adversely affect agreements between school districts and community college districts or vocational-technical institutes in effect on April 11, 1990, and in the future.

*The state board for community college education was renamed the state board for community and technical colleges in 1991.

SEVENTH AND EIGHTH GRADE CHOICE

RCW 28A.230.090 High school graduation requirements or equivalencies—Reevaluation and report by state board of education. (8) Students who have taken and successfully completed high school courses under the circumstances in subsection (7) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (7) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses while they were in seventh and eighth grade.



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